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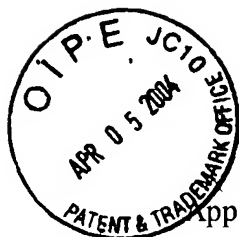
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: William P. Roberts, Ronald D. Moffitt, Richard M. Dayrit, Blaine C. Childress, William J. Gauthier, and W. Scott Lambert  
Docket No.: D-42878-01  
Serial No.: 10/634,294  
Filed Date: August 5, 2003  
Title: High Free Shrink, High Modulus, Low Shrink Tension Film With Elastic Recovery

Mail Stop Missing Parts  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**PETITION BY JOINT INVENTORS FILING ON BEHALF OF OTHER JOINT INVENTOR WHO REFUSES TO JOIN IN APPLICATION (37 CFR §1.47(a))**

The above-identified inventors petition to make this application on behalf of the following non-signing joint inventor:

Name of non-signing inventor who refuses to join in the application:

Ronald D. Moffitt

128 Hedrick Drive, Chatham, VA 24531

Accompanying this petition is proof of the pertinent facts and the last known address of the non-signing inventor, as set forth in the accompanying Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor.

Please charge the fee set forth in §1.17(h) (\$130) required by 37 C.F.R. §1.47(a), as well as charging any additional required fees or crediting any overpayments made, to Deposit Account No. 07-1765.

\_\_\_\_\_  
William P. Roberts (date)

\_\_\_\_\_  
Richard M. Dayrit (date)

Blaine C Childress April 1, 2004  
Blaine C. Childress (date)

\_\_\_\_\_  
William J. Gauthier (date)

\_\_\_\_\_  
W. Scott Lambert (date)



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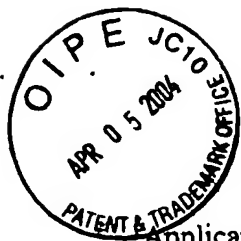
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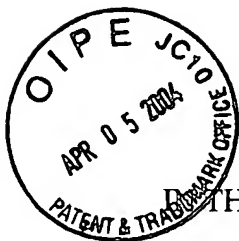
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\_\_\_\_\_  
Blaine C. Childress (date)

\_\_\_\_\_  
William J. Gauthier (date)

W. Scott Lambert 4/2/04  
W. Scott Lambert (date)



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STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING  
INVENTOR (37 CFR §1.47(a))

1. The name and last known address of the non-signing inventor who refuses to join in the application is:

Ronald D. Moffitt  
128 Hedrick Drive  
Chatham, VA 24531.

2. Mr. Moffitt may also be reached through his attorney:

M. Malissa Burnette  
Burnette & Leclair, P.A.  
2322 Devine Street  
Columbia, SC 29205.

3. The law firm Jackson Lewis LLP represents Cryovac, Inc. (a wholly-owned subsidiary of Sealed Air Corporation) with respect to some disputes between Cryovac, Inc. and Mr. Moffitt. Mr. Moffitt was formerly employed by Cryovac, Inc.

4. Mr. K. Scott Katrosh of Jackson Lewis LLP provided copies of the above-identified patent application and the Combined Declaration and Power of Attorney for this application (listing the above-identified inventors) with a February 6, 2004 letter from Mr. Katrosh to Ms. Burnette, with a copy to Mr. Moffitt. (Exhibit 1.) Mr. Katrosh requested that Mr. Moffitt execute and return the Declaration.


5. Mr. Moffitt returned this Declaration *unsigned* with a February 16, 2003 letter from Mr. Moffitt to Mr. Katrosh. (Exhibit 2.) Mr. Moffitt refused to execute the Declaration while Richard Dayrit and Blaine Childress are named inventors. (Exhibit 2 at page 2, second to last paragraph.)

6. I believe that Richard Dayrit and Blaine Childress are properly named inventors under 37 C.F.R. §1.45(b), which provides that:

Inventors may apply for a patent jointly even though

- (1) They did not physically work together or at the same time,
- (2) Each inventor did not make the same type or amount of contribution,
- or
- (3) Each inventor did not make a contribution to the subject matter of every claim of the application.

Sealed Air Corporation  
P.O. Box 464  
Duncan, SC 29334  
864/433-2496

  
\_\_\_\_\_  
Daniel B. Ruble  
Registration No. 40,794  
Date: 4/2/04



Representing Management Exclusively in Workplace Law and Related Litigation

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2100 Landmark Building  
301 North Main Street  
Greenville, SC 29601-2122  
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STAMFORD, CT  
WASHINGTON, DC  
WHITE PLAINS, NY

February 6, 2004

**VIA FACSIMILE (803) 251-0222**  
**AND FIRST CLASS MAIL**

Exhibit 1

M. Malissa Burnette, Esq.  
Burnette & Leclair, P.A.  
2322 Devine St.  
Columbia, SC 29205

Re: Cryovac, Inc. a wholly owned subsidiary of  
Sealed Air Corporation v. Ronald D. Moffitt  
and Thalia Moffitt  
C.A. No. 2002-CP-42-4638

Dear Malissa:

Enclosed pursuant to the Confidential Negotiated Settlement Agreement and General Release dated December 31, 2002 ("Agreement"), and Order of Dismissal and Permanent Injunction entered in the above-captioned case on January 6, 2003 ("Injunction"), is a patent application for "High Free Shrink, High Modulus, Low Shrink Tension Film With Elastic Recovery." This application has been reviewed and approved by the other co-inventors of the patent application and needs to be reviewed and signed by Mr. Moffitt as well. Once Mr. Moffitt has reviewed the patent application, please ask him to sign and date the enclosed Combined Declaration and Power of Attorney and the Assignment. We have sent Mr. Moffitt a copy of this correspondence with enclosures and have also provided him with a pre-addressed Federal Express envelope for his convenience.

Also enclosed in a related matter is the "PCT Power of Attorney" for the counterpart international patent application. Please ask Dr. Moffitt to sign and date the "PCT Power of Attorney" and forward it to us in the Federal Express envelope, along with the Combined Declaration/Power of Attorney and Assignment.

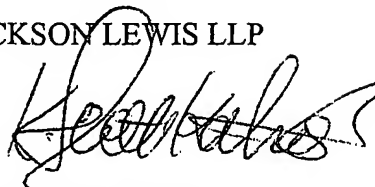
The deadline for filing these documents is rapidly approaching. Accordingly, we ask that Mr. Moffitt return these documents to us no later than February 18, 2004.

I thank you in advance for your prompt attention to this matter.

With kind personal regards, I am

Very truly yours,

JACKSON LEWIS LLP

A handwritten signature in black ink, appearing to read "K. Scott Katrosh", written over the printed name.

K. Scott Katrosh

KSK/ljg

Enclosures

cc: Mr. Ronald Moffitt (via Federal Express and U.S. Mail) (w/enclosures)



February 16, 2003

REC'D FEB 28 2004

Dr. Ronald D. Moffitt  
128 Hedrick Drive  
Chatham, VA 24531

VIA FEDEX ( # 8425 2054 9796)

Exhibit 2

Mr. Scott Katrosh  
Jackson Lewis LLP  
2100 Landmark Building  
301 North Main Street  
Greenville, South Carolina 29601-2122

Dear Mr. Katrosh,

The patent documents, concerning "High Free Shrink, High Modulus, Low Shrink Tension Films with Elastic Recovery" which you sent to me with your letter of February 6, 2004, and I received three days later, do not constitute "any proper document or documents" relating to the referenced patent. First, my address is not correct. You have been provided with and have used my current and correct mailing address on several occasions. The address listed in the patent application has not been my address for over 12 years. Second, it is my firm belief that Richard Dayrit and Blaine Childress are not "first, original, and joint inventors." I also believe that including these individuals, as inventors on this patent application, would constitute a fraudulent disclosure of inventorship before the United States Patent and Trademark Office.

I have never refused to cooperate with your firm's requests to assist in executing "proper" patent documents, nor do I consider my unwillingness to execute a false oath on a Federal document a failure to execute "proper" patent documents on my part. Moreover the subject patent deals with work that I first disclosed, to the best of my recollection, in 1993. I find it ridiculous that now that you state that "the deadline for filing these documents is rapidly approaching" and that you ask that I return these documents to you by February 18, 2004. I am responding to you within your requested deadline and returning these documents for correction. I would expect that if the deadline for filing is truly "rapidly approaching," that you would expedite these corrections and send me the "proper" patent documents within 10 days.

I cannot reasonably or rightfully succumb and will not capitulate to adverse and unwarranted pressure to sign a false oath before the United States Patent and Trademark Office. Your firm's characterization of my position in this matter as outlined in your firm's past letters to me, I feel has been your firm's deliberate attempt to intimidate and coerce me into signing false oaths before the United States Patent and Trademark Office.

Consequently, I would like to reiterate my ongoing position in this matter to you in clear and certain terms.

First, the Combined Declaration and Power of Attorney document provided me contained the following statements:

“(2) We believe that we are the first, original and joint inventors of the subject matter of the subject matter which is claimed and for which a patent is sought for the above-entitled invention, and the specification that is filed herewith:”

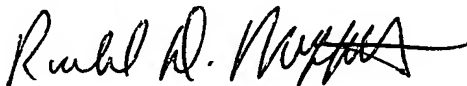
and

“(8) All statements made herein of our knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.”

As I informed you, it is my firm belief that neither Richard Dayrit nor Blaine Childress are “first, original, or joint inventors” on this patent. I cannot rightfully or truthfully execute this document until Richard Dayrit’s and Blaine Childress’ names are removed from the list of inventors for this patent, and my address has been corrected on the documents.

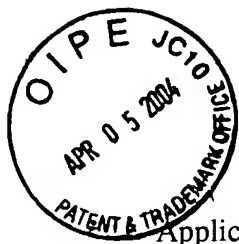
Furthermore, this is at least the third time that I have received from your firm a set of patent documents that are incorrect. In the Confidential Negotiated Settlement Agreement and General Release dated December 31, 2002, the first paragraph of page 3 only provides for my cooperation in the execution of “proper” patent documents. I believe that I am entitled to compensation for my time and my attorney’s time for reviewing improperly and erroneously prepared patent documents. I will send you an invoice for compensation associated with my and my attorney’s cooperation with regard to the reading and analysis of improperly prepared patent documents.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald D. Moffitt", with a stylized flourish at the end.

Ronald D. Moffitt

cc: Malissa Burnett



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William P. Roberts 4/2/04  
(date)

Richard M. Dayrit 4/2/2004  
(date)

\_\_\_\_\_  
Blaine C. Childress (date)

\_\_\_\_\_  
William J. Gauthier (date)

\_\_\_\_\_  
W. Scott Lambert (date)